

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**IN RE HENRY SCHEIN, INC.
DERIVATIVE LITIGATION**

Lead Case No. 1:19-cv-06485 (LDH)(JO)

This Document Relates to:

ALL ACTIONS

**PLAINTIFFS' NOTICE OF MOTION AND UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF DERIVATIVE SETTLEMENT**

PLEASE TAKE NOTICE THAT Plaintiffs Frank Finazzo and Mark Sloan (“Plaintiffs”), by and through their undersigned counsel, hereby move the Court, before the Honorable LaShann DeArcy Hall, United States District Judge for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY 11201, for entry of the [Proposed] Order Preliminarily Approving Settlement, Directing Notice to Securities Holders, and Setting Hearing for Final Approval of Settlement, agreed upon by all parties and filed on April 30, 2020 as Docket No. 15-1 and refiled herewith, which requests the Court to: (1) grant preliminary approval of the Settlement as set forth in the Stipulation of Settlement, dated April 30, 2020 (“Stipulation”) (Dkt. No. 15),¹ (2) approve the form and manner of giving notice of the Settlement, (3) set a hearing date for final approval thereof, and a schedule for various deadlines relevant thereto, (4) preliminarily bar and enjoin Plaintiffs, Derivative Defendants, Henry Schein, Inc. and its stockholders, from filing, commencing, prosecuting, intervening in, participating in, or receiving any benefits or other relief from any other lawsuit or proceeding, against the Releasees based on or relating to the Released Securities

¹ Except as otherwise expressly provided, all capitalized terms used in this motion shall have the meanings and/or definitions given in the Stipulation.

Holder/Company Claims, and any claims relating to the Derivative Defendants' Mutually Released Claims, and (5) approve the Confidentiality Agreement, so that Plaintiffs may be given access to documents and information in order to conduct due diligence confirmatory discovery to further evaluate the proposed Settlement.

This Motion is supported by the accompanying Memorandum of Law, the Declaration of Phillip Kim, the Stipulation with its exhibits, annexed thereto, and all of the prior pleadings and proceedings herein, and such other written or oral argument as may be permitted by the Court.

Dated: May 8, 2020

Respectfully submitted,

THE ROSEN LAW FIRM, P.A.

/s/ Phillip Kim

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Co-Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on May 8, 2020, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the counsel of record in this matter who are registered on the CM/ECF.

/s/Phillip Kim
Phillip Kim